

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARIO H. CAPOGROSSO,

Plaintiff,

-against-

Case No. 18 Civ. 2710 (EK)(LB)

ALAN GELBSTEIN, *in his individual capacity*, IDA  
TRASCHEN, *in her individual capacity*, DANIELLE  
CALVO, *in her individual capacity*, MARK J.F.  
SCHROEDER, *in his official capacity as Commissioner  
of the New York State Department of Motor Vehicles*,  
SADIQ TAHIR, *in his individual capacity*, PEC GROUP  
OF NY, INC., and DAVID SMART,

Defendants.

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DANIELLE CALVO hereby declares, pursuant to 28 U.S.C. § 1746, that:

1. From June 2012 until February 2016 I worked for the Department of Motor Vehicles (“DMV”) as a Supervising Motor Vehicle Representative 2. I am currently a Senior Court Clerk at the New York State Office of Court Administration.
2. I submit this declaration in support of the State Defendants’ motion for summary judgment in this matter. The contents of this declaration are based on my own personal knowledge, my review of files kept by the DMV, my review of files produced in this litigation, and my review of files in my personal possession.
3. In my role as a Supervising Motor Vehicle Representative 2, I worked as a senior clerk at DMV’s Brooklyn South Traffic Violations Bureau (“TVB”). I supervised two lower-grade supervisors and a staff of Motor Vehicle Representatives in carrying out the day to day functions of the TVB.
4. I came to know the Plaintiff during my work at the TVB. He was aggressive and

unstable, and would frequently behave in a threatening manner toward clerks and motorists, yelling or screaming obscenities. I spoke to him on many occasions, asking him not to threaten or harass clerks or others at the TVB.

5. For instance, on or around April 21, 2009, the Plaintiff was involved in an altercation with an interpreter named Tanya Rabinovich, in which he bumped his body into her. I got involved to help calm down the situation.

6. The incidents involving the Plaintiff continued, including several in which he behaved in a threatening or harassing manner toward the clerks. Finally, in January 2011, I and 17 other TVB employees signed a petition stating that the Plaintiff was a threat to our physical safety and asking the DMV to take action. A copy of this petition is attached as Exhibit 1. I understand that ALJ Alan Gelbstein and Supervising ALJ Bushra Vahdatlamas had a meeting with the Plaintiff about his behavior.

7. On or around December 21, 2011, I heard the Plaintiff screaming obscenities at another lawyer named Yaakov Brody, including anti-Semitic slurs. The Plaintiff had also thrown a coffee cup at Mr. Brody. Approximately an hour later the Plaintiff threw a punch at or near another attorney named Jeffrey Meyers. I contacted Supervising ALJ Vahdatlamas, who instructed me to adjourn all the Plaintiff's cases and tell him to leave the building immediately. The Plaintiff was incredibly angry and shouted at me, but eventually left.

8. I understand that the Plaintiff stated in his Petition that when I intervened to stop his harassment of Mr. Brody I said "Now's our chance to get rid of him." I never said that or anything like it – the Plaintiff just made it up.

9. After that incident, I am aware that the Plaintiff was suspended from practicing law at the TVB. I understand that he filed a lawsuit, and was allowed to return at some point

after taking an anger management course and agreeing to behave properly going forward.

10. Beginning in 2014, the Plaintiff's behavior began to become more and more aggressive, and we began to receive more complaints.

11. On or around May 5, 2014, the Plaintiff got into a scuffle with David Smart, a security guard, and a police officer had to intervene. Attached as Exhibit 2 is a workplace violence report submitted to me by a clerk who witnessed the incident.

12. I believe that at some point in 2015 I heard that the Plaintiff had sent a letter to the Office of the Attorney General, but I had not read the letter and did not know its contents. I am not sure if I first heard about the letter before or after the Plaintiff's expulsion from practice in May 2015.

13. On May 5, 2015, I heard the Plaintiff screaming "don't touch my stuff" over and over again, and went to the lawyers' room at the TVB. I found the Plaintiff screaming at Sadiq Tahir, another attorney, who had apparently touched his bag. I told the Plaintiff that he had to stop screaming and he complied, but after I went to get ALJ Gelbstein and came back, the Plaintiff became enraged again, screaming that he did not want anyone touching his belongings. I filled out a workplace violence report in connection with this incident, which is attached as Exhibit 3. I understand that the Plaintiff continued to be agitated and furious throughout the day, and that he ranted against another lawyer afterward.

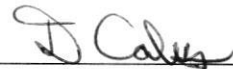
14. On May 11, 2015, a coworker ran to me and told me that the Plaintiff had gotten into a fight with Officer Smart. I called ALJ Gelbstein, who was out of the office, and he told me to contact Ida Traschen. I then called Ms. Traschen, who told me to have the Plaintiff escorted out of the building, and that he could call her for any further details. I escorted the Plaintiff out, with the help of police officers.

15. Although I did not personally witness the altercation between the Plaintiff and Officer Smart, I took three statements from witnesses who did. A workplace violence report that I submitted with Officer Smart is attached as Exhibit 4. A statement from Anthony Adinolfi is attached as Exhibit 5. A statement from George Han is attached as Exhibit 6.

16. I did not play any role in the decision to ban the Plaintiff from practice at the TVB. I always thought that the decision was made by TVB higher-ups and the legal department of DMV.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 14, 2021  
Brooklyn, New York



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DANIELLE CALVO